

# Los Angeles County Advisory Working Group on Cannabis Regulation



## Meeting Three: PUBLIC HEALTH AND SAFETY & PERSONAL CULTIVATION

*July 27, 2017*

# Today's Agenda

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Meeting Goals

Final Recommendations on Youth Access and Exposure

Overview of Issues:

Public Health and Safety & Cannabis Cultivation for Personal Use

Perspectives Across LA County on Public Health and Safety & Cannabis Cultivation for Personal Use

- Sheriff's Department
- District Attorney's Office
- Alternate Public Defender's Office
- Public Defender's Office

Public Comments

# Youth Access and Exposure

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## **PROPOSED RECOMMENDATIONS**

# Youth Access and Exposure

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## **RECOMMENDATION #1 - Education**

The County should produce and widely distribute accurate, science-based information on the risks and potential harms of cannabis use by children and youth. The information should be distributed using methods that are effective in reaching children and youth, as well as their parents, caregivers, and adult family members. The information should be conveyed in an objective, non-judgmental manner that is easily understood by persons with limited literacy and available in all key languages. Cannabis retail businesses should be required to include this information with each sale of a cannabis product and to display posters provided by the County containing such information

# Youth Access and Exposure

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## **RECOMMENDATION #2 - Education**

The County should provide education and prevention resources to schools and youth centers, and work with educators and youth service providers on effective ways to inform youth about the harms of cannabis use, including but not limited to peer-to-peer strategies for drug abuse prevention.

# Youth Access and Exposure

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## **RECOMMENDATION #3 - Education**

The County should ensure that local regulations allow for safe, responsible medical cannabis use by persons under the age of 21 where recommended by a doctor, and provide education to parents and caregivers about safe storage and responsible use practices to prevent underage nonmedical access to cannabis

# Youth Access and Exposure

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## **RECOMMENDATION #4 - Education**

The County should prioritize the use of cannabis tax revenue on providing schools with education, prevention, early risk-reduction intervention, and other supportive programming, such as after-school and out-of-school sports and other activities, and on implementing early risk-reduction services in County public health programs.

# Youth Access and Exposure

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## **RECOMMENDATION #5 - Education**

The County should work with schools, school districts, and youth centers to post signage at the facility entrances stating that the possession of cannabis is prohibited. Signage should be highly visible and in multiple languages.



# Youth Access and Exposure

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## **RECOMMENDATION #6 – Public Consumption**

The County should develop and implement a comprehensive secondhand smoke ordinance, which would address both tobacco and cannabis smoke, to reduce health risks to youth, employees, and other members of the public.

# Youth Access and Exposure

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## **RECOMMENDATION #7 – Packaging/Labeling**

The County should ensure sufficient resources and funding to enforce state laws requiring child-resistant exit packaging for all products sold at retail or delivered to consumers.

# Youth Access and Exposure

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## **RECOMMENDATION #8 – Age Verification**

The County should conduct regular unannounced compliance checks, no less than twice yearly, to ensure cannabis retailers comply with age-restriction laws, and should establish appropriate penalties, up to and including license revocation, for cannabis retailers that do not comply with age-restriction laws.

# Youth Access and Exposure

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## **RECOMMENDATION #9 – Age Verification**

The County should require all retail cannabis sales personnel to complete documented training on age verification requirements, accepted age-verification practices, and other techniques to prevent underage youth from entering or loitering in the vicinity of retail outlets. Cannabis retailers should be held accountable for ensuring that all retail sales employees complete training before conducting sales.

Progressive consequences (penalties including fines and suspensions to operate) should be implemented and should include license revocation, where appropriate. The County should conduct regular compliance checks with cannabis retailers.

# Youth Access and Exposure

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## **RECOMMENDATION #10 – Age Verification**

The County should implement appropriate regulations on the retail delivery of cannabis to ensure that delivery does not become an avenue for underage youth to access cannabis. Such regulations could include the use of age-verification technology during deliveries and special recordkeeping requirements. When considering regulations for retail cannabis delivery, the County Board of Supervisors should review research concerning youth access to alcohol in jurisdictions where alcohol delivery is permitted.

# Youth Access and Exposure

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## **RECOMMENDATION #11 – Fines/Penalties**

The County should enact a social host ordinance that holds individuals responsible for knowingly providing a place on property they control where nonmedical underage cannabis use takes place, regardless of who provides the cannabis products.

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## **RECOMMENDATION #12 – Public Consumption**

The County should preclude the smoking of cannabis within 1,000 feet of schools (K-12), day care centers (including preschools), youth centers, parks, libraries, and public transportation stops near those places, except upon the grounds of a private residence and provided cannabis smoke cannot be detected on the grounds of the school, day care center, youth center, park, library, or public transportation stop.

# Youth Access and Exposure

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## **RECOMMENDATION #13 – Advertising/Marketing**

The County should advocate for changes to state law to prohibit cannabis advertising in broadcast, cable, radio, print, and digital communications where less than 85 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data, consistent with rules applicable to tobacco advertising



# Youth Access and Exposure

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## **RECOMMENDATION #14 – Advertising/Marketing**

The County should prohibit the sale of cannabis for less than the listed price, including but not limited to happy-hour type promotions, discounts, coupons, and buy-one-get-one-free promotions.

# Youth Access and Exposure

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## **RECOMMENDATION #15 – Advertising/Marketing**

The County should adopt local regulations requiring: (a) advertising (billboards, signs, and posters) to be placed at a sufficient distance from schools, parks, youth centers, day care centers, and other places where youth regularly congregate so as not to be immediately visible to persons at such places; and (b) advertising (distribution of flyers, promotional items) to be conducted at a sufficient distance from such places where youth regularly congregate and in a manner so as not to target underage youth. The County should implement fines and penalties, up to and include license revocation, to deter such practices and should conduct regular compliance checks with cannabis retailers

# Youth Access and Exposure

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## **RECOMMENDATION #16 – Advertising/Marketing**

The County should adopt an ordinance prohibiting advertising, marketing, products, and product-design practices that are attractive to or targeted at youth. The ordinance should be consistent with state law and regulation, and clearly describe products considered to be attractive to youth, and advertising and marketing practices that target youth. The County should implement fines and penalties, up to and including license revocation, for violations of the ordinance. The County should lobby the state for legislation and regulation that clearly define and prohibit advertising, marketing, products, and product-design practices that are attractive to or targeted at youth.

# Youth Access and Exposure

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## **RECOMMENDATION #17 – Location/Buffers**

The County should require cannabis businesses to locate not less than 600 feet from schools (K-12), day care centers, and youth centers. The County should consider implementing minimum distances of 1,000 feet, up to 2,000 feet where appropriate, and should consider buffers from other places where youth congregate such as parks, playgrounds, colleges, and certain businesses, provided such minimum distances and buffers do not unreasonably restrict where cannabis businesses are allowed to locate, or create other unintended consequences such as the inequitable distribution of cannabis businesses

# Youth Access and Exposure

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## **RECOMMENDATION #18 – Location/Buffers**

The County should consider adopting local rules about “excessive concentration” that are stricter than provided by state regulation, if the County determines that state regulations governing “excessive concentration”, in combination with buffer distances and zoning regulations, are insufficient to deter an over-saturation of cannabis businesses that is likely to lead to increases in youth usage of cannabis. Any County rules about “excessive concentration” should take into account competing concerns such as inadvertently incentivizing illegal cannabis market activity.

# Youth Access and Exposure

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## PARKING LOT

### Week Four: Retailers

**Proposed recommendation:** Do not limit hours of operation more strictly than other businesses in surrounding area.

### Week Six: Compliance and Taxation

**Proposed recommendation:** Do not over tax. Encourage to keep prices low.

**Proposed recommendation:** Do not use taxes as a way to deter youth (early teen through 21) purchase/use of cannabis.

**Proposed recommendation:** Start with the lowest feasible tax rate and slowly increase to desired rate over time.

# Youth Access and Exposure

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## PARKING LOT

### Week Seven: Equity and Economic Development

**Proposed recommendation:** Engage older youth and young adults from neighborhoods in unincorporated areas in economic development and social enterprise projects so that they are a) employed through cannabis management funds, b) learn about and economic and wealth development and c) provided skills for the workplace

# QUESTIONS & COMMENTS



# 10 MINUTE BREAK



# Overview of Issues:

## Public Health and Safety & Cannabis Cultivation for Personal Use



# Public Health and Safety: Cash

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- Topics for review and discussion
- Cannabis as a cash business
- Crime
- Driving under the influence of cannabis
- Overconsumption
- Role of education for cannabis consumers

# Public Health and Safety: Cash

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**Proposition 64 did not directly address the use of cash in cannabis business**

Solutions offered:

- Kiosks and “tap cards” for cannabis

  - (Resembles money laundering)

- Armored car service for businesses

  - (Does not reduce cash onsite or in transit)

- Public bank for cannabis

  - (Failed to get off the ground in Colorado)

No “silver bullet”

# Public Health and Safety: Cash

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- What is California doing?
- State Treasurer has convened a Cannabis Banking Working Group (CBWG)
- Sent letters to federal officials seeking assistance
- No solutions offered to date

# Public Health and Safety: Crime

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## **Concerns associated with cannabis businesses**

- Businesses will be targets of violent crime
- Businesses will attract criminal elements to nearby neighborhoods

# Public Health and Safety: Crime

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## **How do cannabis businesses affect crime rates overall?**

- Data too new to predict long-term trends
- So far, data tend to show little or no effect of cannabis legalization on overall crime rates

# Public Health and Safety: Crime

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Are cannabis businesses subject to violent crime?

Do cannabis businesses attract crime?



# Public Health and Safety: Crime

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## **Product diversion**

- ✓ California officials estimate 11 million pounds of cannabis were illegally exported from California to other states in 2016, representing over 80 percent of the total amount of cannabis grown in California
- ✓ Conservatively valued at roughly \$16.5 billion of product diversion
- ✓ State solution: Track and trace

# Public Health and Safety: DUIDs

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**DUID = Driving under the influence of drugs**

Differences between alcohol and cannabis:

- Because of the distinct ways that alcohol and cannabis create intoxication, strategies to prevent driving under the influence of alcohol do not necessarily work for cannabis
- No state blood-content limit for cannabis
- Currently requires evaluation by drug recognition experts (DREs)

# Public Health and Safety: DUIDs

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## **DUID data are mixed**

Some studies indicate overall traffic fatalities decrease after cannabis legalization, but no causal connection has been determined

Data from Colorado and Washington show that the number of drivers involved in fatal crashes who test positive for cannabis is increasing, but again no causal connection between cannabis use and the crash has been established to date

# Public Health and Safety: DUIDs

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- State law establishes a task force to study DUID laws but recommendations are not required until 2021
- The State will provide \$3 million annually to CHP to adopt protocols and enforce DUID laws

# Public Health and Safety: Overconsumption

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While no reported case of a fatal overdose has occurred, hospitalizations and calls to poison control are not uncommon and have increased in Colorado with adult-use legalization, and some reports of acute mental disturbances resulting in injury or suicide have been reported

# Public Health and Safety: Overconsumption

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State law establishes labeling and dosing requirements to inform consumers about cannabis content

Education can also help consumers understand responsible use of cannabis, especially edibles



# Public Health and Safety: Consumer Education

 **GOOD TO KNOW**

## MARIJUANA IN COLORADO

LIKE CLIMBING A 14ER, IT'S GOOD TO KNOW WHAT YOU'RE GETTING INTO.



### LEARN THE LAWS

**YOU HAVE TO BE 21**  
You must be 21 or older to purchase, possess or use retail marijuana. Adults 21+ can buy and possess up to 1 oz of retail marijuana at a time.

**ONLY USE ON PRIVATE PROPERTY**  
It's illegal to use marijuana in public places, like bars, parks, campsites, sidewalks and all federal land, including national parks.

**DRIVE HIGH, GET A DUI**  
It's illegal to open and use marijuana in a car. Wait at least six hours before driving if you're smoking and eight if you're ingesting.



**THE UNIVERSAL SYMBOL**  
You'll know if the product you're consuming contains THC if you see this symbol on the packaging or on the product itself.



### BE CAREFUL WHEN CONSUMING

**CONSUMPTION 101**  
What's enough for one person may be too much for another. A single serving for edibles is 10 mg THC, so start with a low dose and wait four hours before taking more. Also, avoid mixing marijuana with alcohol or medication because the effects can be dangerous and unpredictable.

**BE COURTEOUS WITH SECONDHAND SMOKE**  
Marijuana has many of the same cancer-causing chemicals as tobacco smoke, so be considerate and don't smoke around children, pregnant women or anyone who doesn't want to be exposed.

**KNOW THE HEALTH EFFECTS**  
People who smoke marijuana daily or near daily may have a cough, bronchitis, mucus or wheezing. Heavy use of marijuana can damage your memory, which can last a week or more after the last time you used.



### TIPS FOR TOURISTS

**KNOW WHERE TO USE**  
Be sure to check the rules where you're staying. Hotels, rental car companies and other property owners can ban the use and possession of marijuana on their property.

**DISPOSE OF IT SAFELY**  
Trash leftover marijuana in a secured container and out of sight, like in a large dumpster. Don't leave your extras in hotel rooms or rental cars.

**KEEP IT IN COLORADO**  
It's illegal to have marijuana at Denver International Airport, and since you can't take it out of state, dispose of it safely when you leave.



If you feel like you may have used too much, call the poison control hotline at 1-800-222-1222. Learn about marijuana laws and health effects at [GoodToKnowColorado.com](http://GoodToKnowColorado.com).



# Public Health and Safety: Consumer Education





# Public Health and Safety: Consumer Education

## Educate Before You Recreate

In Oregon, it's legal for adults 21 and older to purchase, possess and use recreational marijuana... but there are limits.

# 21+

You can possess, use and buy recreational marijuana if you are 21 and older. If you are younger, it's illegal.



OLCC-licensed retail stores may sell marijuana to recreational users or OMMP patients. You may also grow your own or receive it as a gift.



There are limits to how much recreational marijuana you may possess, both in public or in private.



Gifting and giveaways by individuals is allowed, but may not include any financial consideration.



[WHATSLEGALOREGON.COM](http://WHATSLEGALOREGON.COM)



Driving under the influence of marijuana remains illegal. Please be responsible.



Adults 21 and older can use recreational marijuana at home or on private property. You can't use recreational marijuana in public places.



You cannot take marijuana in or out of the state, even to other states where it is legal.



Oregon is committed to creating a well-regulated industry, and to preventing underage marijuana use.

# Personal Cultivation

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State Law

Concerns with personal cultivation

# Personal Cultivation

Residence Type	County Regulations
Single-family residences not located within 600 feet of a school (K-12), park, library, day care (including preschools), or youth center (such as youth clubs and video arcades)	<ul style="list-style-type: none"><li>• Maximum six plants per residence</li><li>• Plants must not be visible from a public road, private drive, or fire lane</li><li>• Cultivation may be indoors or outdoors</li><li>• Outdoor cultivation must be enclosed within a six-foot-high wood fence or masonry wall; plants cannot be taller than the fence or wall</li><li>• Plants grown outdoors must be 10 feet or farther from all lot lines</li></ul>
<ul style="list-style-type: none"><li>• Single-family residences located within 600 feet of a school, park, library, day care, or youth center</li><li>• Multi-family residences and attached condominiums</li></ul>	<ul style="list-style-type: none"><li>• Maximum six plants per residence</li><li>• Cultivation must be indoors</li><li>• Plants must not be visible from a public road, private drive, or fire lane</li></ul>

# QUESTIONS & COMMENTS

# Perspectives Across Los Angeles County on Health and Safety & Personal Cultivation

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# PUBLIC COMMENTS

